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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/709,167	SCHLARB ET AL.
	Examiner	Art Unit	
	Jason P. Salce	2421	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 September 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>82-105</u> is/are pending in the application.

    4a) Of the above claim(s) <u>108 and 109</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>82-105</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claim(s) <u>108-109</u> are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/02/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Election/Restrictions

Newly submitted claims 108-109 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 108-109 is drawn to the specific structure of a television program information database and generating a program guide based on the specific structure of the television program information database. For example, claim 108 recites a channel table, plurality of category tables and a plurality of groups of records and claim 109 includes first and second subsets of data derived from a channel table, not found in the independent claims previously prosecuted in the instant application.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 108-109 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

Applicant's arguments filed 9/30/2009 have been fully considered but they are not persuasive.

Independent claim 82

Applicant disagrees with the claim construction regarding the claim limitations "***a channel table includes a plurality of assigned channel categories***" and requests clarification for how the claimed "***first data***" and "***second data***" are being interpreted by the Examiner in regards to the Lasky reference. Applicant notes that the intent of the non-final Office Action is to equate both the second data and the first data to the EPG data.

As stated in the previous Office Action the first data corresponds to respective program information for a plurality of corresponding television program, as recited in the claims. The Examiner clearly indicates that this data corresponds the title field, first time slot, start offset, length and end offset data in the program guide database, as illustrated in Figure 6A of Lasky, which as broadly claimed, corresponds to "***first data***" that includes "***respective program information for a plurality of corresponding television programs***". As further stated in the previous Office Action, Applicant is correct that this also corresponds to the EPG, however the second data is equated to a different portion of the EPG data in the program guide database illustrated in Figure 6A

of Lasky. Note the previous Office Action, which states that the second data

corresponds to the category and channel number information, wherein the second data

includes a plurality of assigned channel categories to television channels (**again note**

Figure 6A for multiple records, wherein each record has a channel number and

corresponding category for each channel number).

        Applicant also argues that Lasky teaches categories assigned to each program,

not each channel and that the claim requires that the channel table include assigned

channel categories and therefore since a program category is not a channel category

the program guide of Figure 4 does not meet the requirements of a channel table.

        The Examiner notes that each record in Figure 6A teaches a channel and a

corresponding category. Although this category is <u>also</u> assigned to a program

broadcasted at a particular time the table still contains the category assigned to a

channel at that particular time. Therefore, Lasky teaches a channel table that includes

a plurality of assigned channel categories to television channels (**wherein each record**

contains a category, program and channel field). The Examiner notes that the

claims do not distinguish between a channel table containing channels, wherein only a

single category is assigned to a single channel and a channel table containing channels

and programs, wherein multiple categories are assigned to a single channel depending

on the program that will be broadcasted on the a single channel at a particular time slot.

Applicant also argues that the channel hat of Figure 6B of Lasky does not show a listing a plurality of channels, but rather a single channel.

The Examiner notes that the claims do not require a display of a listing of a plurality of channels. At the bottom of claim 82, the claim recites "**causing the display of _at least one television program_**". Further, Applicant's own specification teaches the display of only one television program in a channel hat/banner type display in Figures 3-9. Therefore, this argument is moot.

Applicant also argues that if somehow the rejection is alleging that the program record is equivalent to the claimed channel table, then the rejection is flawed in attributing the first data to the second data despite the fact that the claim requires the first and second data to be different.

As stated above by the Examiner's rebuttal, the first data corresponds to the title field, first time slot, start offset, length and end offset entries in the program guide database. Further note that the second data is different from the first data by teaches that the second data corresponds to the channel number and category fields in the program guide database.

Therefore, Applicant concludes that Lasky fails to disclose a channel table that includes a plurality of assigned channel categories and a list of a plurality of channels.

The Examiner notes the rebuttal above, where Applicant argues that **the channel hat of Figure 6B** fails to show a listing of a plurality of channels, but now argues that Lasky fails to teach a listing of a plurality of channels. Applicant appears to

be confusing what is stored by Lasky in the program guide database disclosed in Figure

6A of Lasky and what is actually displayed by Lasky in the channel hat of Figure 6B.

While the channel hat does not disclose a listing of a plurality of channels, the

channel table teaches a plurality of assigned channel categories and listing of a plurality

of channels (**note Figure 6A for each record containing a channel and a**

corresponding category, wherein multiple records are contained in the program

guide database).

Applicant also argues that Lasky fails to teach "***a processor configured to***

simultaneously search at least a portion of the channel table for data related to at

least one channel to which a category is assigned and causing the display of at

least one television program".

The Examiner notes that a physical processor is disclosed in Figure 1 (**see**

controller 125) and Figure 5 (**see processor 50**). Further, as cited in the previous

Office Action, Column 6, Lines 31-49 teaches that displaying "*an indication of the*

channel number 132 just selected and of the existence of other channels carrying

programs in the same category as the program on the selected channel" and "*the*

viewer can find a program that may be of interest by surfing sideways to the left".

Further note Column 6, Lines 28-30 for Lasky explicitly teaching that the channel hat 62

is underlined_superimposed at the top of the displayed video in TV mode. Therefore, the searching

functionality provided by the channel hat is configured to search the channel table while

displaying at least one television program (**by superimposing the channel hat over the at least one television program**), thereby doing so <u>simultaneously</u>.

Applicant argues that Mankovitz fails to teach "***wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel***" by specifically not teach the claimed "***channel table***". The Examiner never states that Mankovitz teaches the channel table that is taught by Lasky. The Examiner only states that Mankovitz teaches <u>a</u> channel table that contains the features/limitations missing from the Lasky reference.

Applicant also notes that the Boolean fields appear to pertain to each program record, not each channel. The Applicant is correct that the Boolean fields (**which <u>are</u> equivalent to a bit mask**) pertain to each program record, but also pertain to each channel which meets the claim as recited. Claim 82 states that "***the channel table includes a listing of a plurality of channels and <u>a respective bit mask for each channel</u>***". As taught by Mankovitz each program record comprises a channel field designating a channel, therefore the respective bit mask corresponds to each channel (**listed in each program record, wherein a plurality of channels exist in a plurality of program records**).

Applicant also argues that the features of a channel table with channel categories is not obvious in view of the teachings of Lasky and Mankovitz, both of which focus on

individual program records and category assignments to programs, <u>not</u> channels. The Examiner respectfully disagrees.

As stated above by the Examiner's rebuttal, each program record corresponds to a single channel by including a channel field, therefore all category assignments defined by the Boolean fields/bit mask correspond to the single channel in the channel field, as well as the overall program record.

Applicant argues that this would require changes in the principle operation for both Lasky and Mankovitz in view of the need for an additional association and a data structure for that association. The Examiner respectfully disagrees.

Lasky discloses program records that also contain a channel field and Lasky simply lacks the Boolean fields/bit mask as taught by Mankovitz that would allow Lasky to easily represent and search different categories, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**). The Examiner does not agree that Lasky's principle operation of storing and displaying program guide information would be changed by applying an additional data structure value that Lasky would clearly benefit from (**as explicitly stated by Mankovitz**).

Independent claim 95

Applicant argues that Lasky and Mankovitz fail to teach a "***channel table for data related to at least one channel to which category is assigned***". The Examiner

notes that these limitations are not recited in the claim as presented in Applicant's

arguments. Again, Applicant appears to be confusing what in stored in the channel

table as claimed and what is being retrieved from the channel table for display.

In regards to clarification of the rejection in association with claim 82, see the

Examiner's rebuttal above.

Applicant also notes that in regards to Lasky, some channels contain different

categories, such as channel 20. Applicant recognizes that the Examiner has

recognized this <u>observation</u> in a previous Office Action. However, this is clearly an

observation on what is specifically defined in Application's specification and not what

has been claimed. As stated above, the claims do not distinguish between a single

channel containing a single assigned category and a single channel containing multiple

assigned categories, nor do the claims specify a specific data structure that would read

over the Lasky and Mankovitz references.

In order to help clarify the Examiner's interpretation, the Examiner will further

describe the claim in more detail. Claim 95 recites "***a first data and a second data***",

which Lasky teaches in Figure 6A by illustrating a plurality of program records that have

both a first data and a second data in the form of different fields comprising different

values, thereby further teaching that the first data and second data are <u>different</u>. Note

that claim 95 provides no further recitation as to <u>how</u> the first data and second data are

different.

Claim 95 further recites that "***said first data including respective program
information for a plurality of corresponding television programs***", which Lasky
teaches in Figure 6A by illustrating fields such as length and end offset (**and since the
program guide database includes multiple program records (*as illustrated in
Figure 6A*), multiple length and end offset fields exist for each program
represented by a single program record**). Claim 95 further recites "***said second
data comprising a channel table that includes a plurality of assigned channel
categories to television channels***", which Lasky teaches again in Figure 6A by
illustrating fields such as channel number and category (**and since the program guide
database stores multiple program records (*as illustrated in Figure 6A*), said
second data comprises multiple channel numbers assigned to multiple
categories**). Note that the claims do not provide further recitations as to <u>how</u> the data
structure, as presented in the claim, is organized.

Applicant also argues that Lasky teaches categories assigned to each program,
not each channel and that the claim requires that the channel table include assigned
channel categories and therefore since a program category is not a channel category
the program guide of Figure 4 does not meet the requirements of a channel table.

The Examiner notes that each record in Figure 6A teaches a channel and a
corresponding category. Although this category is <u>also</u> assigned to a program
broadcasted at a particular time the table still contains the category assigned to a
channel at that particular time. Therefore, Lasky teaches a channel table that includes

a plurality of assigned channel categories to television channels (**wherein each record contains a category, program and channel field**). The Examiner notes that the claims do not distinguish between a channel table containing channels, wherein only a single category is assigned to a single channel and a channel table containing channels and programs, wherein multiple categories are assigned to a single channel depending on the program that will be broadcasted on the a single channel at a particular time slot.

Applicant also argues that Lasky fails to teach "*a processor configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which a category is assigned and causing the display of at least one television program*".

The Examiner notes that a physical processor is disclosed in Figure 1 (**see controller 125**) and Figure 5 (**see processor 50**). Further, as cited in the previous Office Action, Column 6, Lines 31-49 teaches that displaying "*an indication of the channel number 132 just selected and of the existence of other channels carrying programs in the same category as the program on the selected channel*" and "*the viewer can find a program that may be of interest by surfing sideways to the left*". Further note Column 6, Lines 28-30 for Lasky explicitly teaching that the channel hat 62 is superimposed at the top of the displayed video in TV mode. Therefore, the searching functionality provided by the channel hat is configured to search the channel table while displaying at least one television program (**by superimposing the channel hat over the at least one television program**), thereby doing so simultaneously.

Applicant argues that Mankovitz fails to teach "*wherein the channel table includes a listing of a plurality of channels and a respective bit mask for each channel*" by specifically not teach the claimed "*channel table*". The Examiner never states that Mankovitz teaches the channel table that is taught by Lasky. The Examiner only states that Mankovitz teaches a channel table that contains the features/limitations missing from the Lasky reference.

Applicant also notes that the Boolean fields appear to pertain to each program record, not each channel. The Applicant is correct that the Boolean fields (**which are equivalent to a bit mask**) pertain to each program record, but also pertain to each channel which meets the claim as recited. Claim 82 states that "*the channel table includes a listing of a plurality of channels and a respective bit mask for each channel*". As taught by Mankovitz each program record comprises a channel field designating a channel, therefore the respective bit mask corresponds to each channel (**listed in each program record, wherein a plurality of channels exist in a plurality of program records**).

Applicant also argues that the features of a channel table with channel categories is not obvious in view of the teachings of Lasky and Mankovitz, both of which focus on individual program records and category assignments to programs, not channels. The Examiner respectfully disagrees.

As stated above by the Examiner's rebuttal, each program record corresponds to a single channel by including a channel field, therefore all category assignments defined by the Boolean fields/bit mask correspond to the single channel in the channel field, as well as the overall program record.

Applicant argues that this would require changes in the principle operation for both Lasky and Mankovitz in view of the need for an additional association and a data structure for that association. The Examiner respectfully disagrees.

Lasky discloses program records that also contain a channel field and Lasky simply lacks the Boolean fields/bit mask as taught by Mankovitz that would allow Lasky to easily represent and search different categories, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**). The Examiner does not agree that Lasky's principle operation of storing and displaying program guide information would be changed by applying an additional data structure value that Lasky would clearly benefit from (**as explicitly stated by Mankovitz**).

Independent claim 98

Applicant argues that Lasky and Mankovitz fail to teach "*a channel table that includes respective associations of one or more channel categories for a plurality of corresponding television channels*". The Examiner respectfully disagrees.

Lasky teaches these limitations in Figure 6A for teaching a database with a

plurality of records that associates categories with a plurality of corresponding television

channels by associating a category with a channel number in a plurality of records.

Applicant has argues that Lasky fails to teach that "***said browse banner***

comprising first program information, said first program information

corresponding to a second television program different than the first television

program". Applicant further states that the title and channel number in Lasky appears

to be corresponding to the channel hat and not a program for which the video is not

shown. Applicant is correct in the Examiner's interpretation. Note that the claim

limitations make no positive recitation for a first and second television program being an

actual displayed video or a text representation in the channel hat. However, Lasky also

teaches the alternative in the method of Figures 7-8, which allows a user to navigate

through the channel hat to view different programs that are available for selection by the

viewer, while superimposed over a previously selected television channel (**further note**

Column 7, Line 18 through Column 8, Line 49). Therefore, while a first television

program is currently being displayed, the viewer can use the channel hat to display first

program information corresponding to second, third or fourth television programs

different than the first television program being displayed.

Applicant also argues that Lasky fails to teach "***wherein the processor causes***

the display of said browse banner on top of the first television program without

providing the second television program". The Examiner disagrees and notes that

the channel hat is superimposed over a first television program (**see Column 6, Lines**

28-30). Lasky also teaches navigating through a list including a second television

program while viewing a first television program, and only changes to a second

television program upon selection from the channel hat (**see Column 7, Line 18**

through Column 8, Line 49).

In regards to the remaining arguments pertaining to claim 98, see the Examiner's

rebuttal for claims 82 and 95.

Independent claim 100

Applicant argues that Lasky and Mankovitz fails to teach a "*channel table that*

includes a bit field signifying a plurality of television channel categories". The

Examiner notes that this is equivalent to the claim "bit mask" as taught by Lasky and

Mankovitz in the rejection of claim 82 (**see the Examiner's rebuttal of claim 82**).

In regards to the remaining arguments pertaining to claim 100, see the

Examiner's rebuttal for claims 82, 95 and 98.

Independent claim 104

In regards to the arguments pertaining to claim 100, see the Examiner's rebuttal

for claims 82, 95, 98 and 100.

Claims 106 and 107

Claims 106-107 have been cancelled.

Remaining Arguments

Regarding the arguments pertaining to claims 93, 96, 99, 101-103 and 105, see

the Examiner's rebuttal above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 82-92, 94, 95, 97, 98, 100 and 104 are rejected under 35 U.S.C. 103(a)
as being unpatentable over Lasky (US 6,367,078) in view of Mankovitz (U.S. Patent No.
6,760,537).

Regarding Claim 82, Lasky shows in a television network a terminal for providing
television program information and television programs (**see figure 5, col. 4 lines 10-35
and 65-67, EPG system allowing to display category information and television
program**), the terminal comprising:

a memory configured for storing a first data and a second data (**col. 5 lines 64-67,
col. 6 lines 1-20, program guide database contains record for each program
and television programs to display to the viewer, figure 5 item 52**), said first
data (**col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving
program guide information from television distribution network and television
programs to display to the viewer**) including respective program information for a
plurality of corresponding television programs (**col. 6 lines 1-20, title field, time
slot, end offset, start offset and length information and television programs to
display to the viewer**), said second data different than the first data, the second
data comprising a channel table (**electronic program-guide –EPG– category and
channel information**) that includes a plurality of assigned channel categories to
television channels (**see figure 6B and 6C and col. 6 lines 1-35 and 50-67
wherein upon selection of a certain channel, a channel hat 62 comprises an**

indication of the existence of other channels carrying programs in the same category as the program on the selected channel); and

a processor, coupled to the memory, the processor configured to simultaneously search at least a portion of the channel table for data related to at least one channel to which category is assigned and causing the display of at least one television program (**the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67**) the processor further configured to receive selection of a channel category and, in response to receiving selection of the channel category, provide program information associated with the at least one channel to which the selected channel category is assigned (**column 6, lines 31-65**).

Lasky further discloses a channel table (**electronic program-guide (EPG)**) that includes a listing of a plurality of channels and respective associations of one or more channel categories to each television channel identification (**col. 6 lines 30-65, category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**), said channel table further includes a plurality of respective bit fields, wherein at least one of the bits refers to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program , figure 5 item 52, col. 5 lines 30-45,**

data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information, wherein all data the system is stored in a digital system, which inherently contains data that is represented by 1s and 0s), each television channel category being associated with a corresponding plurality of television channels (**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program**).

However, Lasky fails to disclose that said plurality of respective bit fields include a plurality of bits with respective values, wherein each bit value corresponds to a different category and that the channel table comprises at least one channel entry comprising more than one category, as recited in the claims.

Mankovitz discloses that a channel table includes a listing of a plurality of channels (**see Column 49, Lines 41-47 for the channel table including records, wherein each record has a channel field**) and a respective bit mask for each channel (**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel (**see Column 49, Lines 62-67**).

Mankovitz further discloses that the channel table comprises at least one channel entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing**

that the program guide database record includes a category field (*for each record with a channel field*) that includes an entry for each category).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide database, as taught by Lasky, using the bit masking technique, as taught by Mankovitz, for the purpose of allowing many different categories to be easily represented and searched, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Regarding claim 83, it is met by the combination of Lasky and Mankovitz. In particular, Lasky discloses that the processor is further configured to cause the display of program information corresponding to the first data and corresponding to at least one television channel being determined by a corresponding category in the second data (**col. 5 lines 30-45, control program and clock I/0 module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category**). Because Lasky shows that each channel can receive multiple programs with multiple categories (**col. 6 lines 1-20, each program designated differed category**), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through each program of a given category (**col. 6 lines 30-65**), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 84, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that the processor causes the display in a browse banner of at least a portion of the first data including information of the at least one channel based and program information corresponding to the first portion of first data (**see fig. 6b, col. 6 lines 30-65, channel number and title of program**).

Regarding Claim 85, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that the display of the browse banner on top of a portion of the television program is responsive to receiving an input signal to initiate the browse command (**col. 6 lines 27-65, indicating that the "channel hat" icon is displayed when a user changes the channel, activating the browser or "channel hat"**).

Regarding Claim 86, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that the processor can display a browser banner to replace a portion of the first data being displayed, the second portion of the first data being displayed according to a display configuration different than the browse banner configuration (**col. 5 lines 45-63, col. 6 lines 20-30, displaying program information in a program guide grid and banner system, as opposed to the "channel hat" method**).

Regarding Claim 87, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows displaying the corresponding category assigned to the channel in the banner (**fig. 6b, category 624 series (comedy)**).

Regarding Claim 88, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that the display of the assigned category in the browser banner is responsive to a user selection from one from a plurality of categories (**col. 9 lines 55-67, col. 10 lines 1-10, surfing different programs by changing categories**).

Regarding Claim 89, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that a portion, or selected, category of the plurality of categories is shown to the user in the banner (**fig. 6b, category 624 series (comedy)**).

Regarding Claim 90, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows a graphical representation of navigation keys used on a user input device to browse the program information corresponding to the at least one television channel being determined by the corresponding assigned category in the second data (**fig. 6b, left and right arrows**).

Regarding Claim 91, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows the processor blocking the tuning of television channels different than the at least one television channel being determined by the corresponding

assigned category in the second data (**col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category**).

Regarding Claim 92, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows the processor restricts channel tuning to only the at least one channel being determined by a corresponding assigned category in the second data (**col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category**).

Regarding Claim 94, it is met by the combination of Lasky and Mankovitz. In particular, Lasky shows that the at least one television channel being determined by a corresponding assigned category in the second data has two assigned categories (**col: 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories**). As discussed above, because Lasky shows that each channel can receive multiple programs with multiple categories (**col. 6 lines 1-20, each program designated differed category**), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (**col. 6 lines 30-65**), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 95, Lasky shows a terminal comprising;

an interface to the television network said interface being capable of receiving a

first data and a second data, said first data including respective program information for

a plurality of corresponding television programs (**col. 5 lines 30-45, data input module

56, col. 6 lines 1-20, receiving program guide information from television

distribution network and television programs to display to the viewer**); and

a processor, coupled to the memory, the processor configured to simultaneously

search at least a portion of the channel table for data related to at least one channel to

which category is assigned and causing the display of at least one television program

(**the processor displays a television program and at the same time, searches for

other channels carrying programs in the same category—column 6, lines 31-49.

The control program also reads the current time and determines whether any

other program is current—column 6, lines 50-67**) the processor further configured to

receive selection of a channel category and, in response to receiving selection of the

channel category, provide program information associated with the at least one channel

to which the selected channel category is assigned (**column 6, lines 31-65**)

Lasky further discloses a channel table (**electronic program-guide (EPG)**) that

includes a listing of a plurality of channels and respective associations of one or more

channel categories to each television channel identification (**col. 6 lines 30-65,

category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-

35 and 50-67 wherein upon selection of a certain channel, a channel hat 62

comprises an indication of the existence of other channels carrying programs in

the same category as the program on the selected channel**), said channel table

further includes a plurality of respective bit fields, wherein at least one of the bits refers

to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide**

database contains record for each program , figure 5 item 52, col. 5 lines 30-45,

data input module 56, col. 6 lines 1-20, receiving program guide information from

television distribution network, col. 6 lines 1-20, title field, time slot, end offset,

start offset, length, and category information), each television channel category

being associated with a corresponding plurality of television channels (**col. 6 lines 6-65,**

multiple categories for each channel depending on broadcasted program).

 However, Lasky fails to disclose that said plurality of respective bit fields include

a plurality of bits with respective values, wherein each bit value corresponds to a

different category and that the channel table comprises at least one channel entry

comprising more than one category, as recited in the claims.

 Mankovitz discloses that a channel table includes a listing of a plurality of

channels (**see Column 49, Lines 41-47 for the channel table including records,**

wherein each record has a channel field) and a respective bit mask for each channel

(**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with

each bit of the bit mask set at one of a plurality of respective values, each bit mask

comprising a plurality of single bits with each bit of the bit mask set at one of a plurality

of respective values, wherein each bit of the bit mask refers to one distinct category of a

plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the

respective value at which each bit is set indicates whether or not the one distinct

category corresponding to that bit is assigned to the respective channel (**see Column 49, Lines 62-67**).

Mankovitz further discloses that the channel table comprises at least one channel entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing that the program guide database record includes a category field (*for each record with a channel field*) that includes an entry for each category**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide database, as taught by Lasky, using the bit masking technique, as taught by Mankovitz, for the purpose of allowing many different categories to be easily represented and searched, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Regarding claim 97, it is met by the combination of Lasky and Mankovitz. In particular, Lasky discloses that the processor is further configured for causing the display of program information in the first data (**col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category**), said program information corresponding to television programs being provided by at least a portion of the plurality of television channels said at least portion of the plurality of television channels being determined by a corresponding association to a first category in the second data (**col. 6 lines 30-40, showing existence of other programs within the same category**).

Regarding Claim 98, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of

corresponding television programs and a channel table (**electronic program-guide**

(EPG)) that includes respective associations of one or more channel categories for a

plurality of corresponding television channels (**see figure 6B and 6C and col. 6 lines**

1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62

comprises an indication of the existence of other channels carrying programs in

the same category as the program on the selected channel); and

a processor, coupled to the memory, for causing the display of a browse banner

on top of a portion of a first television program being displayed responsive to receiving

an initial activation of a browse command (**col. 5 lines 30-45, control program and**

block 1/0 module, col. 6 lines 20-67, displaying category with television program,

allowing using to select next program that is in corresponding category, fig. 6b

browsing banner), said browse banner comprising first program information (**fig. 6b,**

title and channel number), said first program information corresponding to a second

television program different than the first television program, wherein the processor

causes the display of browse banner on top of the first television program without

providing the second television program (**col. 6 lines 30-40, channel hat showing**

existence of other programs and channels relating to the selected category), the

processor further configured for simultaneously searching at least a portion of the

channel table for data related to at least one channel to which category is assigned and

causing the display of at least one television program (**the processor displays a
television program and at the same time, searches for other channels carrying
programs in the same category—column 6, lines 31-49. The control program also
reads the current time and determines whether any other program is current—
column 6, lines 50-67**) the processor further configured to receive selection of a
channel category and, in response to receiving selection of the channel category,
provide program information associated with the at least one channel to which the
selected channel category is assigned (**column 6, lines 31-65**).

      Lasky further discloses a channel table (**electronic program-guide (EPG)**) that
includes a listing of a plurality of channels and respective associations of one or more
channel categories to each television channel identification (**col. 6 lines 30-65,
category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-
35 and 50-67 wherein upon selection of a certain channel, a channel hat 62
comprises an indication of the existence of other channels carrying programs in
the same category as the program on the selected channel**) said channel table
further includes a plurality of respective bit fields, wherein at least one of the bits refers
to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide
database contains record for each program , figure 5 item 52, col. 5 lines 30-45,
data input module 56, col. 6 lines 1-20, receiving program guide information from
television distribution network, col. 6 lines 1-20, title field, time slot, end offset,
start offset, length, and category information**), each television channel category

being associated with a corresponding plurality of television channels (**col. 6 lines 6-65,**
multiple categories for each channel depending on broadcasted program).

However, Lasky fails to disclose that said plurality of respective bit fields include
a plurality of bits with respective values, wherein each bit value corresponds to a
different category and that the channel table comprises at least one channel entry
comprising more than one category, as recited in the claims.

Mankovitz discloses that a channel table includes a listing of a plurality of
channels (**see Column 49, Lines 41-47 for the channel table including records,**
wherein each record has a channel field) and a respective bit mask for each channel
(**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with
each bit of the bit mask set at one of a plurality of respective values, each bit mask
comprising a plurality of single bits with each bit of the bit mask set at one of a plurality
of respective values, wherein each bit of the bit mask refers to one distinct category of a
plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the
respective value at which each bit is set indicates whether or not the one distinct
category corresponding to that bit is assigned to the respective channel (**see Column**
49, Lines 62-67).

Mankovitz further discloses that the channel table comprises at least one channel
entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing**
that the program guide database record includes a category field (*for each record*
***with a channel field*) that includes an entry for each category**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide database, as taught by Lasky, using the bit masking technique, as taught by Mankovitz, for the purpose of allowing many different categories to be easily represented and searched, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Regarding Claim 100, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a channel table (**electronic program-guide (EPG)) that includes a bit field signifying a plurality of television channel categories (col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program , figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information**), each television channel category being associated with a corresponding plurality of television channels (**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program**); and

a processor coupled to the memory (**col. 5 lines 30-45, control program and clock 1/0 module**), said processor configured to:

receive a user-selected television channel category (**col. 9 lines 55-67, col. 10 lines 1-10, user scrolls through available categories**), and

responsive to the receiving the user-selected television channel category, search at least a portion of the channel table and provide program information exclusively for television programs corresponding to television channels associated with the user-selected television channel category **(col. 6 lines 30-65, scrolling left and right only displays those program s that are within the selected category)**,

wherein the processor is configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which category is assigned and causing the display of at least one television program (**the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67**).

Lasky further discloses a channel table (**electronic program-guide (EPG)**) that includes a listing of a plurality of channels and respective associations of one or more channel categories to each television channel identification (**col. 6 lines 30-65, category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**), said channel table further includes a plurality of respective bit fields, wherein at least one of the bits refers to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide**

database contains record for each program , figure 5 item 52, col. 5 lines 30-45,

data input module 56, col. 6 lines 1-20, receiving program guide information from

television distribution network, col. 6 lines 1-20, title field, time slot, end offset,

start offset, length, and category information), each television channel category

being associated with a corresponding plurality of television channels (**col. 6 lines 6-65,**

multiple categories for each channel depending on broadcasted program).

However, Lasky fails to disclose that said plurality of respective bit fields include

a plurality of bits with respective values, wherein each bit value corresponds to a

different category and that the channel table comprises at least one channel entry

comprising more than one category, as recited in the claims.

Mankovitz discloses that a channel table includes a listing of a plurality of

channels (**see Column 49, Lines 41-47 for the channel table including records,**

wherein each record has a channel field) and a respective bit mask for each channel

(**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with

each bit of the bit mask set at one of a plurality of respective values, each bit mask

comprising a plurality of single bits with each bit of the bit mask set at one of a plurality

of respective values, wherein each bit of the bit mask refers to one distinct category of a

plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the

respective value at which each bit is set indicates whether or not the one distinct

category corresponding to that bit is assigned to the respective channel (**see Column**

49, Lines 62-67).

Mankovitz further discloses that the channel table comprises at least one channel entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing that the program guide database record includes a category field (*for each record with a channel field*) that includes an entry for each category**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide database, as taught by Lasky, using the bit masking technique, as taught by Mankovitz, for the purpose of allowing many different categories to be easily represented and searched, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Regarding Claim 104, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a channel table (**electronic program-guide (EPG)**) that includes a bit field signifying a plurality of television channel categories (**col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56**); each television channel category being associated with a corresponding plurality of television channels (**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program**); and

a processor, coupled to the memory (**col. 5 Lines 30-45, control program and clock I/O module**), said processor configured to simultaneously searching at least a portion of the channel table and causing the display of at least one television program

(**the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67**) the processor further configured to receive selection of a channel category and, in response to receiving selection of the channel category, provide program information associated with the at least one channel to which the selected channel category is assigned (**column 6, lines 31-65**), wherein the association of the first category to at least one television channel is received by the terminal from the television network (**col. 6 lines 1-20, receiving program information including categories from television distribution network**).

Lasky further discloses a channel table (**electronic program-guide (EPG)**) that includes a listing of a plurality of channels and respective associations of one or more channel categories to each television channel identification (**col. 6 lines 30-65, category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**), said channel table further includes a plurality of respective bit fields, wherein at least one of the bits refers to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program , figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset,**

start offset, length, and category information), each television channel category being associated with a corresponding plurality of television channels (**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program**).

However, Lasky fails to disclose that said plurality of respective bit fields include a plurality of bits with respective values, wherein each bit value corresponds to a different category and that the channel table comprises at least one channel entry comprising more than one category, as recited in the claims.

Mankovitz discloses that a channel table includes a listing of a plurality of channels (**see Column 49, Lines 41-47 for the channel table including records, wherein each record has a channel field**) and a respective bit mask for each channel (**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, wherein each bit of the bit mask refers to one distinct category of a plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the respective value at which each bit is set indicates whether or not the one distinct category corresponding to that bit is assigned to the respective channel (**see Column 49, Lines 62-67**).

Mankovitz further discloses that the channel table comprises at least one channel entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing that the program guide database record includes a category field (*for each record with a channel field*) that includes an entry for each category**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the program guide database, as taught by Lasky, using the bit masking technique, as taught by Mankovitz, for the purpose of allowing many different categories to be easily represented and searched, while taking up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Referring to claims 106-107, see the rejection of claims 82, 95 and 100 and further note the Examiner's rebuttal above.

Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (US 6,367,078) in view of Mankovitz (US 6,760,537), as applied to claim 82, and in further view of Amano (US 5,585,865).

Regarding Claim 93, Lasky and Mankovitz show that at least one channel is a plurality of channels corresponding to the assigned category in the second data (Lasky—col. 6 lines 30-50, existence of other channels in category) and the processor causes the channel tuning to only said plurality of based on an order (Lasky—col. 6 lines 30-50, channels arranged in numerical order in that particular category).

Lasky and Mankovitz fail to disclose that this order is determined by the user.

In analogous art, Amano discloses that the order of channels is determined by a user sorted listing of said pluralities of channels (col. 6 lines 30-50, col. 7 Lines 8-21, programs in a designated channel are ordered based on the number of times the user watches 'that channel, with is user determined).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Lasky and Mankovitz with the ability to have the user modify the order of listings, as taught by Amano, for the benefit of presenting a highly customized channel line up for the user.

Claims 96, 99, 101-103 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (US 6,367,078) in view of Mankovitz (US 6,760,537), as applied to claim 95, and in further view of Yuen (US 5,673,089).

Regarding Claim 96, Lasky and Mankovitz fail to disclose that one of the categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 Lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Lasky and Mankovitz with the ability to designate local channels, as taught by Yuen, for the benefit of enabling a user to specify all local channels as a viewing subset, which allows easy access to local programming.

Regarding Claim 99, Lasky and Mankovitz fail to disclose that one of the categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time of
invention to modify the combined system of Lasky and Mankovitz with the ability to
designate local channels, as taught by Yuen, for the benefit of allowing a user to specify
all local channels as a viewing subset and gain easy access to local programming.

Regarding Claim 101, Lasky and Mankovitz fail to disclose that one of the
categories is a local channel.

In analogous art, Yuen shows that one category could be local broadcast
channels (col. 5 lines 55-60, 'network channels, col. 6 lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time of
invention to modify the combined system of Lasky and Mankovitz with the ability to
designate local channels, as taught by Yuen, for the benefit of allowing a user to specify
all local channels as a viewing subset and gain easy access to local programming.

Regarding Claim 102, Lasky shows a terminal comprising:

an interface for receiving data from to the television network said interface being
capable of receiving a first data and a second data said first data including respective
program information for a plurality of corresponding television program s, said second
data comprising a channel table (**electronic program-guide (EPG)**) that includes a bit
field signifying a plurality of channel categories (**col. 5 lines 64-67, col. 6 Lines 1-20,
program guide database contains record for each program , figure 5 item 52, col.
5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide**

information from television distribution network, col. 6 lines 1-20, title field, time

slot, end offset, start offset, length, and category information), each television

channel category being associated with a corresponding plurality of television channels

(**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted**

program), said plurality of categories including a first category (**col. 6 lines 1-20,**

multiple categories, and each program having different categories; because

Lasky shows that each channel can receive multiple programs with multiple

categories, subsequently each channel is assigned a plurality of categories); and

processor (**col. 5 Lines 30-45, control program and clock 1/0 module**), configured

to:

   receive a second user input corresponding to the first channel category (**col. 9**

Lines 55-65, pressing up and down to select category), and

   responsive to the receiving the second user input, simultaneously searching at least

   a portion of the channel table and causing the display of at least one television

   program (**the processor displays a television program and at the same time,**

   searches for other channels carrying programs in the same category—column

   6, lines 31-49. The control program also reads the current time and

   determines whether any other program is current—column 6, lines 50-67)

   receive third user input corresponding to a selection of a channel category and, in

   response to receiving third user input, providing program information associated with

   the at least one channel to which the selected channel category is assigned

   (**column 6, lines 31-65**), wherein the association of the first category to at least one

television channel is received by the terminal from the television network (**col. 6 lines 1-20, receiving program information including categories from television distribution network**).

Lasky fails to disclose receiving a user input corresponding to the assignment of the first category to a first television channel and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory.

In analogous art, Yuen discloses receiving a user input corresponding to the assignment of the first category to a first television channel (**col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming**) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (**col. 5 lines 10-16, channels stored in theme memory**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign categories to channels, as taught by Yuen, for the benefit of allowing a user with the capability of customizing a variety of display options in order to enhance the viewing experience.

Lasky and Yuen, Lasky in particular, further discloses a channel table (**electronic program-guide (EPG)**) that includes a listing of a plurality of channels and respective associations of one or more channel categories to each television channel

identification (**col. 6 lines 30-65, category, title, and channel data and also see figure 6B and 6C and col. 6 lines 1-35 and 50-67 wherein upon selection of a certain channel, a channel hat 62 comprises an indication of the existence of other channels carrying programs in the same category as the program on the selected channel**), said channel table further includes a plurality of respective bit fields, wherein at least one of the bits refers to a predetermined category (**col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program , figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information**), each television channel category being associated with a corresponding plurality of television channels (**col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program**).

However, Lasky and Yuen fail to disclose that said plurality of respective bit fields include a plurality of bits with respective values, wherein each bit value corresponds to a different category and that the channel table comprises at least one channel entry comprising more than one category, as recited in the claims.

Mankovitz discloses that a channel table includes a listing of a plurality of channels (**see Column 49, Lines 41-47 for the channel table including records, wherein each record has a channel field**) and a respective bit mask for each channel (**see Column 49, Lines 47-50**), each bit mask comprising a plurality of single bits with each bit of the bit mask set at one of a plurality of respective values, each bit mask

comprising a plurality of single bits with each bit of the bit mask set at one of a plurality

of respective values, wherein each bit of the bit mask refers to one distinct category of a

plurality of predetermined categories (**see Column 49, Lines 47-57**) and wherein the

respective value at which each bit is set indicates whether or not the one distinct

category corresponding to that bit is assigned to the respective channel (**see Column

49, Lines 62-67**).

Mankovitz further discloses that the channel table comprises at least one channel

entry comprising more than one category (**see Column 49, Lines 36-67 for disclosing

that the program guide database record includes a category field (*for each record

with a channel field*) that includes an entry for each category**).

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art, to modify the program guide database, as taught by Lasky and

Yuen, using the bit masking technique, as taught by Mankovitz, for the purpose of

allowing many different categories to be easily represented and searched, while taking

up little space (**see Column 49, Lines 51-53 of Mankovitz**).

Regarding Claim 103, it is met by the combination of Lasky and Yuen. In

particular, Yuen further shows that one category could be local broadcast channels (col.

5 liner 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 105, Lasky and Mankovitz fail to disclose that one of the

categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 Lines 10-20, public broadcasting).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Lasky and Mankovitz with the ability to designate local channels, as in Yuen, for the benefit of enabling a user to specify all local channels as a viewing subset, which allows easy access to local programming.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/   Jason P Salce
Primary Examiner, Art Unit 2421   Primary Examiner
                                                   Art Unit 2421

January 18, 2010